

Application Ser. No.: 10/721,210
Filing Date: November 25, 2003
Examiner: Davis, Zinna Northington

Remarks

This supplemental amendment was necessitated by the telephonic conversation initiated by Examiner Northington with the undersigned on June 16, 2005. At which time the Examiner noted that a few of the compounds of claim 1 are still anticipated by Plumpe et al. (British Patent 1,147,295). Specifically, the Examiner noted that examples 3, 7, 8 and 10 of Plumpe et al. are within the scope of claim 1 and thus claim 1 still anticipates Plumpe et al. However, the undersigned notified the Examiner that example 3 of Plumpe et al., N,N'-bis[quinaldyl-(6)]-terephthalic acid diamide, was already excluded in the provision. See the proviso which excludes both nitrogen containing ring and the aromatic ring are not to be quinolyl substituted with C₁₋₄ alkyl when the distribution agent is unsubstituted phenyl. Please note that quinaldyl is 2-methyl-quinolyl and thus already is excluded by the proviso. Also, the undersigned noted that example 7 of Plumpe et al., N,N'-bis[quinolyl-(6)]-2-nitro-terephthalic acid diamide, was never part of claim 1. That is, claim 1 recites the distribution agent is phenyl where "it is optionally substituted with the same groups as the triazine," which are "one ore more radicals chosen from halogen, C1-4 alkyl, and thio, oxy or amino which are themselves optionally substituted with one or more C1-4 alkyl." Thus, example 7 of Plumpe et al. was never part of claim 1. By way of this amendment, both examples 8 and 10 have been disclaimed by providing a further proviso that phenyl is not substituted with 2-chloro (example 7 of Plumpe et al.) and the distribution agent itself is not 2,5-furanyl (example 10 of Plumpe et al.).

In addition, the Examiner also noted that claims as amended still contains certain subject matter that was subject to restriction. Specifically, the Examiner notes that within the definition of distribution agent "NH-phenyl-NH-, -NH-phenyl-CH₂-NH-, -NH-CH₂-phenyl-CH₂-NH-, -NH-CH₂-phenyl-NH-, -CH₂-phenyl-CH₂-, -CH₂-phenyl-, -phenyl-CH₂-, -CH₂-thienyl-, -thienyl-CH₂-, or -CH=CH-" should be canceled as part of the withdrawn subject matter. Accordingly, Applicants have canceled all of the affected subject matter without prejudice. However, Applicants reserve the right to place the canceled subject matter in one or more divisional applications.

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In view of the foregoing, all of the affected claims 1, 3, 8, 11, 12, 16, 17, 25, 26, 30-32 and 38 have been amended. Specifically, claims 30 and 31 were amended to remove specific compounds that were outside the generic scope of claim 1. The remainder of the claims were amended to provide proper proviso and to cancel the withdrawn subject matter as noted above. In addition, claims 4-6, 10, 13-14, 18 and 23-24 have been canceled without prejudice as they recited mostly the withdrawn subject matter. Thus, claims 1-3, 7-9, 11-12, 15-17, 19-22 and 25-38 are pending. All of the amendments are fully supported by the specification and no new subject matter has been inserted through these amendments.

Conclusions

In view of the above Remarks, it is respectfully submitted that claims 1-3, 7-9, 11-12, 15-17, 19-22 and 25-38 are now in condition for allowance and the early issuance of this case is respectfully requested. In the event the Examiner wishes to contact the undersigned regarding any matter, please call (collect if necessary) the telephone number listed below.

Applicants believe there are no fees due for this supplemental Rule 111 Amendment. However, if the Examiner deems that fees are due, please charge these fees to Deposit Account No. 18-1982 for Aventis Pharmaceuticals Inc. Bridgewater, NJ. Please credit any overpayment to Deposit Account No. 18-1982.

Respectfully submitted,

June 27, 2005



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